

Exhibit 2-B

Abington Transcript

*COURTNEY LINDE, et al. VS.
ARAB BANK, PLC*

*EDWARD ABINGTON
March 23, 2012
CONFIDENTIAL*



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1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 COURTNEY LINDE, et al.,

4 Plaintiffs,

5 - against -

6 ARAB BANK, PLC,

7 Defendant.

8 CASE NO.: CV 04 2799

9
10 * * * C O N F I D E N T I A L * * *

11
12 1301 Avenue of the Americas
13 New York, New York

14 March 23, 2012
15 9:44 a.m.

16 CONTINUED VIDEOTAPED TRIAL

17 DEPOSITION of Expert Witness, EDWARD ABINGTON,
18 before Melissa Gilmore, a Notary Public of the
19 State of New York.

20
21
22
23 ELLEN GRAUER COURT REPORTING CO. LLC
24 126 East 56th Street, Fifth Floor
25 New York, New York 10022
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2 MR. KOLKER: Objection, calls for
3 hearsay.

4 A. I do.

5 Q. Please tell me what you know about
6 those activities.

7 A. In meetings with USAID officials and
8 consular officials at the consulate general in
9 Jerusalem, I asked about how these needs were
10 being met during this period of disruption, and
11 they outlined various measures that they were
12 taking, including giving additional money to
13 the World Food Program for ration distribution,
14 arrangements that they had made with zakat
15 committees also for food distribution and for
16 the distribution of health supply -- of medical
17 supplies.

18 MO MR. KOLKER: Objection, and I move
19 to strike his answer as based on hearsay.

20 Q. During your tenure as consul
21 general, Mr. Abington, did you form the
22 understanding that those individuals who
23 received assistance from zakat committees
24 thought that Hamas was responsible for what
25 they were receiving?

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2 MR. KOLKER: Objection to leading.

3 A. That was not my impression at all.

4 For example, we would have these signing
5 ceremonies, or if food was distributed, there
6 was the logo of the United States Agency for
7 International Development on it.

8 There would be signs that would be
9 posted that a project had been funded by the
10 government of the United States through the
11 Agency for National Development.

12 So, if anything, I think that the
13 recipients of this assistance, through the
14 zakat committees, credited the United States
15 for the aid, not Hamas.

16 Q. Are you personally familiar with the
17 al-Razi Hospital in Jenin?

18 A. I am.

19 Q. Do you know who runs the hospital?

20 A. It's run by the Jenin Zakat
21 Committee.

22 Q. Do you know, from your personal
23 experience as consul general, whether USAID
24 provided medical supplies to the al-Razi
25 Hospital?

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2 1973 War sort of intruded on that.

3 Q. So you never gained any kind of
4 fluency in Hebrew, did you?

5 A. No, I did not.

6 Q. And you remained in your post in
7 the -- in Jerusalem until 1996, correct?

8 A. 1997.

9 Q. Excuse me, 1997.

10 And when was it in that period that
11 you were transferred to -- back to the US?

12 A. I believe I left at the beginning of
13 August of 1997.

14 Q. All right. Now, did there come a
15 time, in 1997, when you received a call from
16 the state department reflecting concerns about
17 your statements that you had given to a New
18 York Times reporter?

19 A. Yes.

20 Q. Would you tell us what happened,
21 please?

22 A. The executive director -- I'm trying
23 to remember the precise title.

24 I will stick with the executive
25 director, although I'm not sure that's

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2 precisely it, called me up to say that
3 Secretary of State Albright had read a comment
4 that I had made to a reporter concerning a
5 leaked CIA report on Israeli settlement
6 activity, and that she was very upset that I
7 had made the comment and was considering
8 whether I should stay at my post.

9 Q. And why was she upset that you had
10 made the comment?

11 A. I think because -- well, first of
12 all, she was relatively new as secretary of
13 state. She had only been in her position a
14 couple of months, and she felt strongly that
15 comments on sensitive issues, foreign policy
16 issues should be made in Washington, rather
17 than in the field, so there was no confusion.

18 Q. And did you apologize to her for
19 having made the comment that you did?

20 A. I did.

21 Q. And was part of her concern, as you
22 understood it, that you were demonstrating a
23 level of -- a greater level of sympathy for the
24 Palestinian interests than was coincident with
25 the interest that the US then had?

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2 MR. WALSH: Objection, vague.

3 A. No, I don't think that was the case.
4 I was reflecting concern that I heard President
5 Clinton express in the oval office during a
6 meeting I attended with Chairman Arafat, and he
7 expressed concern about Israeli settlement
8 activity, and that reflected statements by
9 state department -- public statements by state
10 department officials as well.

11 Q. As a result of the comments that you
12 heard from Secretary Albright, was there an
13 effect on your position as consul general?

14 A. There was not.

15 Q. When was it that you heard those
16 comments from Secretary Albright?

17 A. I believe --

18 MR. WALSH: Objection, assumes facts
19 not in evidence.

20 A. I believe it was in May of 1997. I
21 don't remember the precise date.

22 Q. Okay. And then just three months
23 later, you were transferred back to Washington,
24 right?

25 A. That's correct.

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2 Q. Okay. When you were transferred
3 back to Washington, what was your assignment?

4 A. I was assigned, with the approval
5 of -- the specific approval of Secretary
6 Albright, to be the number two intelligence
7 officer in the state department, senior deputy
8 assistant secretary for intelligence and
9 research.

10 Q. And did that concentrate on Middle
11 East issues or on a different menu of issues?

12 A. It was a wide range of issues, but
13 much of our preoccupation was Iraq, as well as
14 the situation in the former Yugoslavia.

15 Q. So is it fair to say that, from 1997
16 until you retired, which was 1999; is that
17 right?

18 A. Yes.

19 Q. Okay. During that period, the focus
20 of your work was no longer concentrated on the
21 Palestinian area; is that fair to say?

22 A. That's correct.

23 Q. Okay. And you were never posted to
24 Israel as a diplomat, that is to say, apart
25 from the fact that your office was located in

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2 Jerusalem, you didn't serve as the diplomat to
3 Israel; am I correct?

4 A. No, you're not correct.

5 Q. I'm not?

6 A. No.

7 Q. Tell me what your position was with
8 Israel.

9 A. I spent three years as a political
10 officer, assigned to the US embassy in Tel
11 Aviv, from 1972 to 1975.

12 Q. Okay. So if we move forward from
13 1975 to the mid 1990s, when you were in the
14 position that you have testified about as
15 consul general, is it fair to say that you
16 didn't have any further diplomatic work on
17 behalf of the United States, representing the
18 United States' interests with respect to
19 Israel?

20 A. That's not correct.

21 Q. Tell me how you did that, then.

22 A. I was the acting director and the
23 deputy director of the Office of Israeli and
24 Arab/Israeli Affairs from 1982 to 1985 in the
25 Department of State.

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2 Q. Okay. When you left the Department
3 of State in 1999, what did you do?

4 A. I joined a consulting firm in
5 Washington, DC.

6 Q. And the name of that firm, please?

7 A. Bannerman & Associates.

8 Q. And what was the focus of your work
9 at Bannerman & Associates?

10 A. It was primarily dealing with our
11 client, the Palestinian Authority, although on
12 occasion I worked on other matters as well.

13 Q. But the bulk of your work was on
14 behalf of the Palestinian Authority; is that
15 right?

16 A. That's correct.

17 Q. And what did you do for the
18 Palestinian Authority during the period you
19 were associated with Bannerman & Associates?

20 A. I interacted with members of the
21 administration, state department and the NSC,
22 National Security Council.

23 The state department, after one
24 year. I was subject to a cooling-off period
25 where I was not to initiate contact with state

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2 department officials, although they could

3 contact me.

4 I would hold discussions about US

5 policy and events. I would meet with members

6 of congress and staff and discuss the

7 Israeli/Palestinian issue, assistance --

8 assistance programs that were being considered

9 by congress.

10 I would write reports of my

11 conversations and analyses to provide to

12 Palestinian officials, and I would arrange

13 schedules for visiting Palestinian officials

14 who came to Washington.

15 In general, those were the kind of

16 duties I did.

17 Q. Fair to say you were a
18 representative of the Palestinian Authority
19 with respect to the US government during that
20 period?

21 A. No.

22 Q. Did you represent their interests?

23 A. There was a PLO mission in
24 Washington that was the representative of the
25 Palestinian Authority.

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2 Q. Were you a lobbyist for the
3 Palestinian Authority?

4 A. I was registered with the Department
5 of Justice as a lobbyist for the Palestinian
6 Authority, as well as for Egypt.

7 Q. Okay. Let's just speak about the
8 Palestinian Authority for a moment.

9 You were registered as a lobbyist
10 because the law requires that registration for
11 people who have certain activities; is that
12 right?

13 MR. WALSH: Objection, calls for a
14 legal conclusion.

15 Q. If you know.

16 A. These were the procedures that
17 Dr. Bannerman put in place, longstanding
18 procedures for his employees, and I registered
19 according to his procedures.

20 Q. And you're registered as a lobbyist?

21 MR. WALSH: Asked and answered.

22 Q. Right?

23 A. Correct.

24 Q. For which of the years that you did
25 work for the Palestinian Authority?

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2 affect your view as to whether the Saudi
3 Committee's objectives were limited to
4 humanitarian aid?

5 A. As I said, the payments appear to be
6 made to family members of people who had been
7 killed.

8 Q. So your answer to my question is
9 what?

10 A. Is humanitarian assistance.

11 Q. Okay. Do you have any knowledge of
12 what steps Arab Bank took, in the period 2000
13 to 2004, to screen accounts to determine
14 whether the beneficiaries were on any terrorist
15 list?

16 MR. WALSH: Objection, vague.

17 A. I don't have specific knowledge.

18 Q. Okay.

19 MR. KOLKER: Where are we with the
20 time?

21 THE VIDEOGRAPHER: We have 25
22 minutes left.

23 Q. When did you first learn of the Holy
24 Land Foundation?

25 A. When I was serving as consul general

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2 Do you understand what I'm referring
3 to now?

4 A. I do.

5 Q. All right. Are there any of these
6 zakats that you visited during the period 2000
7 to 2004?

8 A. The Nablus Zakat Committee.

9 Q. And are you sure you visited that or
10 you -- or that's just a maybe?

11 A. I'm pretty sure I visited it during
12 a visit to Nablus in 2002.

13 Q. So other than that one, okay, and
14 there are -- it looks to me like there are 12
15 on the list, does that seem about right? You
16 can count them up.

17 A. Let's see. One, two, three, four --
18 actually, there are only four zakat committees
19 on this list.

20 Q. What are the others?

21 A. The others are -- they have a
22 different name. They're not zakat committees,
23 according to the Arabic.

24 Q. All right. So what are they?

25 MR. WALSH: Objection.

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2 Q. If you know?

3 A. Well, I mean, I could translate the
4 Arabic, but they are referred to as charitable
5 societies, a women's society. For example, a
6 women's society is not a zakat committee.

7 Q. But let me ask the question a little
8 differently, then, or in a broader way.

9 Looking at the list of charitable
10 societies, women societies and zakats that's in
11 front of you as Exhibit 3.

12 A. Yes.

13 Q. Am I correct that the only one among
14 that list that you may have visited, you think
15 you visited, was the Nablus Zakat Committee?

16 MR. WALSH: After 2000.

17 Q. After 2000, correct.

18 A. That is correct.

19 Q. Okay. And that Nablus Zakat
20 Committee, you think you may have visited
21 during a visit that you made to Nablus after --

22 A. In 2002.

23 Q. In 2002?

24 A. Yes, that is right.

25 Q. And that's the only one, right?

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2 MR. WALSH: Asked and answered.

3 A. Yes.

4 Q. Okay. And do you have any knowledge
5 of the activities of any of these committees
6 that's based -- that's based on your personal
7 knowledge during the period 2000 to 2004?

8 A. My personal knowledge in discussing
9 with AID officials and aid contractors was
10 that --

11 Q. No, not --

12 MR. WALSH: No, no, don't interrupt,
13 please.

14 MR. KOLKER: No, because I've
15 asked -- because -- well, I'm just afraid
16 that he doesn't understand the term
17 "personal knowledge."

18 Personal knowledge, as Mr. Ungar
19 defined it for him yesterday, is knowledge
20 gained from his own five senses, not from
21 what other people told him, which is
22 hearsay knowledge.

23 MR. WALSH: I'm sorry. You asked a
24 question. You were in the process of
25 getting an answer before you rudely and

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss

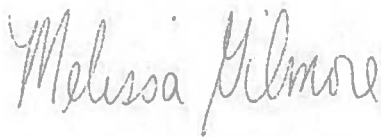
COUNTY OF RICHMOND)

I, MELISSA GILMORE, a Notary Public
within and for the State of New York, do hereby
certify:

That EDWARD ABINGTON, the witness
whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a
true record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of April, 2012.



MELISSA GILMORE